

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 10-CA-234456	Date Filed 1/10/19

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer McDonald's		b. Tel. No. (919) 220-4074	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) 2010 N Roxboro St Durham, NC 27704		e. Employer Representative (b) (6), (b) (7)(C)	
		g. e-mail	
		h. Number of workers employed 30 (est.)	
i. Type of Establishment (factory, mine, wholesaler, etc.) Fast food restaurant		j. Identify principal product or service Fast food	
<p>The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p>			
<p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>On or about December, 2018, the above-named employer violated Sections 8(a)(1) and 8(a)(3) of the National Labor Relations Act by retaliating against employees for participating in a strike and by retaliating against workers for engaging in union activity.</p>			
<p>3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU National Fast Food Workers Union</p>			
4a. Address (Street and number, city, state, and ZIP code) 1800 Massachusetts Ave NW Washington DC 20036		4b. Tel. No. 202-494-8194	
		4c. Cell No. 202-494-8194	
		4d. Fax No.	
		4e. e-mail thomas.perez-lopez@seiu.org	
<p>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Service Employees International Union</p>			
<p>6. DECLARATION</p> <p>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p> <p> (signature of representative or person making charge)</p> <p>Thomas Perez-Lopez, Asst. Gen. Counsel (Print/Type name and title or office, if any)</p>		Tel. No. 202-494-8194	
		Office, if any, Cell No.	
		Fax No.	
		e-mail thomas.perez-lopez@seiu.org	
<p>Address <u>1800 Massachusetts Ave NW Washington DC 20036</u> Date <u>January 3, 2019</u></p>			

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



Download
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January 23, 2019

(b) (6), (b) (7)(C)

McDonald's
2010 N Roxboro St
Durham, NC 27704

Re: McDonald's
Case 10-CA-234456

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JOHN R. EVANS whose telephone number is (336)582-7135. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

John D. Doyle, Jr.
Regional Director

By:

A handwritten signature in black ink, appearing to read "Thompson", with a long horizontal flourish extending to the right.

Scott C. Thompson
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

10-CA-234456

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALD'S

Charged Party

and

SEIU NATIONAL FAST FOOD WORKERS UNION

Charging Party

Case 10-CA-234456

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on **January 23, 2019**, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

McDonald's
2010 N Roxboro St
Durham, NC 27704

January 23, 2019

Date

Kevin S. Crawford, Designated Agent of NLRB

Name

/s/ Kevin S. Crawford

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



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January 23, 2019

Thomas Perez-Lopez, Asst. Gen Counsel
SEIU National Fast Food Workers Union
1800 Massachusetts Ave
Washington, DC 20036

Re: McDonald's
Case 10-CA-234456

Dear Mr. Perez-Lopez:

The charge that you filed in this case on January 10, 2019 has been docketed as case number 10-CA-234456. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JOHN R. EVANS whose telephone number is (336)582-7135. If this Board agent is not available, you may contact Deputy Regional Attorney LISA R. SHEARIN whose telephone number is (336)582-7142.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control.

Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

John D. Doyle, Jr.
Regional Director

By:

A handwritten signature in black ink, appearing to read "Scott C. Thompson", with a long horizontal flourish extending to the right.

Scott C. Thompson
Officer in Charge

From: [Shearin, Lisa R.](#)
To: [Evans, John R.](#)
Subject: Downgraded
Date: Tuesday, February 5, 2019 12:39:57 PM

Per our discussion, I downgraded Burger King and McDonalds, 10-CA-234450 and 10-CA-234456 to (b) [REDACTED]. The issue appears limited as we discussed to a reduction of hours, (b) (5) [REDACTED].
[REDACTED]

Lisa

From: [Evans, John R.](#)
To: ["Thomas Perez-Lopez"](#)
Subject: RE: Workers running late
Date: (b) (6), (b) (7)(C)

Tom,

I just wanted to follow up in writing on our phone conversation this morning. Since your client is the Union and these witnesses are (b) (6), (b) (7)(C), I cannot allow you to sit in on the affidavit sessions. If you represented them as (b) (6), (b) (7)(C) or if they were (b) (6), (b) (7)(C), then you would have the right to sit in on the affidavit. I appreciate your understanding and I apologize for the confusion.

Please let me know if you have any questions.

Sincerely,

John R. Evans
Field Attorney
National Labor Relations Board Subregion 11
Republic Square
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
Phone: (336) 582-7135
Fax: (336) 631-5210

From: Thomas Perez-Lopez [mailto:thomas.perez-lopez@seiu.org]
Sent: (b) (6), (b) (7)(C)
To: Evans, John R. <John.Evans@nlrb.gov>
Subject: Re: Workers running late

Is everything going ok? I'm available to join by phone whenever you all get started. Thanks,
Tom

On (b) (6), (b) (7)(C) Evans, John R. <John.Evans@nlrb.gov> wrote:

That's fine. Thanks for letting me know.

From: Thomas Perez-Lopez [mailto:thomas.perez-lopez@seiu.org]
Sent: (b) (6), (b) (7)(C)
To: Evans, John R. <John.Evans@nlrb.gov>
Subject: Workers running late

Instead of getting there at (b) (6), (b) (7)(C) they will be there at about (b) (6), (b) (7)(C).
Tom

--

Tom Perez-Lopez
Assistant General Counsel
Service Employees International Union (SEIU)

1800 Massachusetts Ave NW
(202) 494-8194 (cell)
(202) 730-7467 (office)

--

Tom Perez-Lopez
Assistant General Counsel
Service Employees International Union (SEIU)
1800 Massachusetts Ave NW
(202) 494-8194 (cell)
(202) 730-7467 (office)

From: [Evans, John R.](#)
To: [Shearin, Lisa R.](#); [Thompson, Scott C.](#)
Subject: FW: McDonald's, Case 10-CA-234456
Date: Monday, March 4, 2019 4:53:00 PM
Attachments: [LTR.10-CA-234456.Evidence Request.pdf](#)

Attached, please find a copy of my EAJA letter from McDonald's, Case 10-CA-234456.

From: Evans, John R.
Sent: Monday, March 4, 2019 4:53 PM
To: 'mferrell@jonesday.com' <mferrell@jonesday.com>
Subject: McDonald's, Case 10-CA-234456

Mr. Ferrell:

Attached, please find my letter requesting the Employer's position and evidence in McDonald's, Case 10-CA-234456. Please note that I expect the Employer's response no later than March 13, 2019.

Please contact me if you have any questions.

Sincerely,

John R. Evans
Field Attorney
National Labor Relations Board Subregion 11
Republic Square
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
Phone: (336) 582-7135
Fax: (336) 631-5210



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

Agent's Direct Dial: (336)582-7135

March 4, 2019

Michael S. Ferrell, Esq., Partner

VIA EMAIL (mferrell@jonesday.com)

Re: McDonald's
Case 10-CA-234456

Dear Mr. Ferrell:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before **March 13, 2019**, with regard to certain allegations in this case.

Allegations: The allegations for which I am seeking your evidence are as follows. Charging Party SEIU Fast Food Workers Union, filed the charge alleging that employees [REDACTED] were disciplined and their hours reduced because they participated in the Union's strikes in [REDACTED] 2018.

In response to the above allegations, I ask that you:

1. State the Employer's position regarding the allegations raised above. Include any documents, case law, statements, and/or other evidence to support the position.
2. Provide names and contact information (phone numbers, email addresses, mailing addresses) for all employees employed at the 2010 North Roxboro Street location in Durham, North Carolina from November 1, 2018 through January 31, 2019.
3. State the names and titles of all supervisors and agents of the Employer, as defined under Section 2(11) and (13) of the Act, at the involved facility during [REDACTED] and [REDACTED] employment, and the dates that the named individuals held such positions, including copies of all documents that show the managerial/supervisory hierarchy at the involved facility.
4. Provide [REDACTED] and [REDACTED] complete personnel file, including any prior discipline.
5. Provide [REDACTED] and [REDACTED] weekly work schedules and all of their payroll and time card records.
6. State whether [REDACTED], or the Union on their behalf, provided the Employer with strike notices in [REDACTED] 2018. If so, provide copies of those notices.

7. Provide copies of all discipline issued to (b) (6), (b) (7)(C) and/or (b) (6), (b) (7)(C). Describe how that discipline was communicated to him, identify who presented the discipline, who else was present, and detail what was said and by whom. Provide a copy of any documents memorializing discipline, including disciplinary write-ups, emails, letters, notes, memoranda, meeting minutes, or other documents that reflect or refer to the discipline.
8. For each incident of discipline identified in response to item 7, state all reasons why the Employer issued the discipline and provide copies of all policies and/or rules the Employer asserts that (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) violated and explain how (b) (6), (b) (7)(C) activities and/or conduct violated all such policies and/or rules.
9. Provide the names of all employees the Employer has disciplined and/or discharged for the same reason(s) as (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) and copies of all underlying records and documentation.
10. State whether (b) (6), (b) (7)(C) and/or (b) (6), (b) (7)(C) work hours were reduced. If so, state all reasons why (b) (6), (b) (7)(C) hours were reduced and when the reduction took place.
11. If (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) hours were reduced, describe how the decision to reduce (b) (6), (b) (7)(C) hours was reached, when the decision was made, and identify who made the decision. Specify, when conversations concerning this decision occurred, where those discussions took place, who was present, and detail what was said and by whom. Provide copies of any documents memorializing the decision-making process, including text messages, emails, letters, notes, memoranda, meeting minutes, write-ups, or other documents that reflect or refer to those conversations.
12. If (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) hours were reduced, explain how that decision was communicated to (b) (6), (b) (7)(C). Specify, when the communications occurred, where any discussions took place, who was present, and detail what was said and by whom. Provide copies of any documents memorializing this conversation, including, text messages, emails, letters, notes, memoranda, meeting minutes, write-ups, or other documents that reflect or refer to these conversations.
13. Provide a copy of all workplace rules and/or policies, including the disciplinary policy. If the Employer relied on a specific policy to discipline (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) or to reduce (b) (6), (b) (7)(C) hours, explain and provide a copy of those policies.
14. State how the Employer regularly communicates with employees regarding workplace issues or changes in the terms and conditions of employment (i.e. verbal communications/meetings; email; notice posting; letter; intranet; etc.).
15. Any additional information the Employer provides will be considered.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) (Last Name Unknown), (b) (6), (b) (7)(C) (Last Name Unknown), (b) (6), (b) (7)(C) (Last Name Unknown), (b) (6), (b) (7)(C), and any other individuals you believe have

information relevant to the investigation of the above-captioned matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by **March 13, 2019** to schedule these affidavits.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **March 13, 2019**. If you are willing to allow me to take affidavits, please contact me by **March 13, 2019**, to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (336)582-7135, or e-mail, john.evans@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

/s/John R. Evans
John R. Evans
Field Attorney

From: [Evans, John R.](#)
To: ["Thomas Perez-Lopez"](#)
Subject: Burger King, Case 10-CA-234456 Request to Interview (b) (6), (b) (7)(C)
Date: Friday, March 8, 2019 3:07:00 PM

Tom,

It would be helpful for my investigations into McDonald's, Case 10-CA-234456 and Burger King, Case 10-CA-234450, if I could interview (b) (6), (b) (7)(C). At this point I do not need an affidavit from (b) (6), (b) (7)(C) but a 10-20 minute phone call would help to clear up some lingering questions. Since (b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C), this is an instance in which you have the right to be on the call. If you want to be on the call, it would be helpful to know your and (b) (6), (b) (7)(C) availability in the (b) (6), (b) (7)(C) or so. If you do not want to be on the call, I will need you to respond to this email stating that I have permission to talk to (b) (6), (b) (7)(C) without your present, and I will also need (b) (6), (b) (7)(C) phone number. Just let me know how you'd like to handle it.

Also, the Union is more than welcome to submit position statements and further evidence in these cases if you would like. There's no requirement that you do so, but I like to remind institutional charging parties that this is always an option.

Thanks,

John R. Evans
Field Attorney
National Labor Relations Board Subregion 11
Republic Square
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
Phone: (336) 582-7135
Fax: (336) 631-5210

From: [Evans, John R.](#)
To: [Lewis, Lauren](#)
Subject: McDonald"s, Case 10-CA-234456 Case Name Change
Date: Wednesday, April 3, 2019 3:17:00 PM

Lauren,

At your convenience, will you change the case name etc. in McDonald's, Case 10-CA-234456 to: "La'Car of NC, Inc. d/b/a McDonald's"? (No rush!)

Thanks!

John

From: [Evans, John R.](#)
To: [Olamide Adetunji](#)
Subject: RE: Decision to Withdraw Unfair Labor Practice Charge.
Date: Tuesday, April 23, 2019 11:54:00 AM

Thank you for getting back to me. I will treat this email as the request to withdraw the charges and do not need anything further from you. I will process the request and you should have the letters confirming withdrawal in the next week or so.

It was a pleasure working with you and Mr. Perez-Lopez. Please let me know if I can be of any assistance in the future.

Sincerely,

John R. Evans
Field Attorney
National Labor Relations Board Subregion 11
Republic Square
4035 University Parkway, Suite 200
Winston-Salem, NC 27106
Phone: (336) 582-7135
Fax: (336) 631-5210

From: Olamide Adetunji <olamide.adetunji@seiu.org>
Sent: Tuesday, April 23, 2019 11:51 AM
To: Evans, John R. <John.Evans@nrlb.gov>
Subject: Decision to Withdraw Unfair Labor Practice Charge.

Hello John:

I hope this e-mail finds you well. I am writing to follow up on our conversation from April 15, 2019 regarding the North Carolina ULP charges and your leaning toward a no-merit finding. We have decided to withdraw the charges for (b) (6), (b) (7)(C), as we think it is the appropriate course of action for now.

Please let me know if you need me to do anything else. Thank you.

--

Olamide Adetunji
Law Fellow, Fight for \$15 and a Union
Service Employees International Union
1800 Massachusetts Avenue, NW
Washington, DC 20036
Office: (202) 730-7327
Cell: (202) 384-5482

Case Name: McDonald's
Case No.: 10-CA-234456
Agent: John Evans, Field Attorney

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
1/29	Thomas Perez-Lopez CP Atty	Phone	NA LMOM asking him to call me back to schedule affidavits.
1/30	Perez-Lopez	Phone	NA LMOM asking him to call me back to schedule affidavits. He called me back later and said that he will work on finding out more about the allegations and on scheduling affidavits
1/31	LRS	In Person	Case meeting. I need to follow up by Weds. With phone and email if I can't reach him. I can travel on this and Burger King together if I need to.
2/1	Fisher Philips ER Counsel	Phone	Phillips calls me. He is going to rep the franchisee and plans on putting in his NOA momentarily. I tell him that he can just email it to me if that's easier and I give him my email address. I tell him that I do not have the particulars on this allegation yet, but when I do I can call and give him some more info so that he can start working on it before I send my evidence letter. He says that sounds great.
2/5	Perez-Lopez	Phone	Affidavits scheduled for (b) (5), (b) (6), (b) (7)(C) & the ones in Burger King (10-CA-234456). (b) (5), (b) (6), (b) (7)(C) I will send him my email with directions to the building so that he can send it on to the (b) (5), (b) (6), (b) (7)(C)
2/5	LRS	Case Meeting	I tell LRS that these cases involve cut hours, (b) (5) LRS says she will email to change them to (b) (5)

Date	Person Contacted	Method of Contact	Description of Contact or Activity
			(b) (5), (b) (6), (b) (7)(C)
(b) (5), (b) (6)	(b) (6), (b) (7)(C)	In Person	(b) (5), (b) (6), (b) (7)(C)
3/7	LRS	Case Meeting	I need to do follow up with the (b) (5), (b) (6), (b) (7)(C)
3/12	Ariel Smith UN Organizer Perez-Lopez	Phone	See MMZ
3/14	LRS	Case Meeting	The EAJA response is late. Follow up today and see where they are on getting it in.
3/19	LRS	Case Meeting	We have the PST, (b) (5)
3/27	LRS	Case Meeting	(b) (5)
4/2	LRS	Case Meeting	(b) (5)
4/3			(b) (5)
4/3	LRS	In Person	Talking to LRS about (b) (5)

Date	Person Contacted	Method of Contact	Description of Contact or Activity
			(b) (5) [REDACTED] [REDACTED] and Burger King.
4/10	LRS	Case Meeting	(b) (5) [REDACTED]
4/10	Olamide Adetunji New UN Atty	Phone	Attempt to contact Adetunji, who is replacing Perez-Lopez in repping the UN on this case. NA LMOM – please give me a call back when you get a chance so that we can discuss Burger King and McDonalds.
4/15	Adetunji	Phone	Adetunji calls me back. I explain (b) (5), (b) (6), (b) (7)(C) [REDACTED] she'll get back to me. She says hopefully by the end of the week.
4/17	LRS	Case Meeting	Let LRS know (b) (5) [REDACTED].



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

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Telephone: (336)631-5201
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April 30, 2019

Mason G Alexander, Regional Partner
Fisher & Phillips LLP
Suite 200 227 West Trade Street
P.O. Box 36775
Charlotte, NC 28236

Re: La'Car of NC, Inc. d/b/a McDonald's
Case 10-CA-234456

Dear Mr. Alexander:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

JOHN D. DOYLE, JR.
Regional Director

By:

SCOTT C. THOMPSON
Officer in Charge

cc:

(b) (6), (b) (7)(C)

La'Car of NC, Inc. d/b/a McDonald's
2010 N Roxboro St
Durham, NC 27704

Michael S. Ferrell, Partner
Jones Day
77 West Wacker Drive
Chicago, IL 60601-1692

Thomas Perez-Lopez, Asst. Gen Counsel
SEIU National Fast Food Workers Union
1800 Massachusetts Ave
Washington, DC 20036